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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,167	08/30/2004	Mahmoud A. Mousa	BUR920040020US1	5166
44152	7590	03/01/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARK DRIVE RESTON, VA 20191			CHIU, TSZ K	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/711,167	MOUSA ET AL.	
	Examiner	Art Unit	
	Tsz K. Chiu	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's election without traverse of group I, claims 14-20, in the reply filed on 2/6/2006 is acknowledged. *Claims 1-13. (Cancel)*

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by  
Bhattacharyya (2004/0144979).

With respect to claim 1, Bhattacharyya discloses a lower semiconductor device (Fig. 10) having an active region (26, For example Fig. 10) comprising a semiconductor with a first crystal orientation, and an upper semiconductor device (Fig. 9) having an active region (26, For example Fig. 9) comprising a semiconductor with a second crystal orientation, wherein the upper semiconductor (Fig. 10) a is formed separately from the lower semiconductor device (Fig. 9) and connected device thereto by an interconnect structure (120, For example Fig. 11).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2822

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhattacharyya in view of Yoshikawa et al. (5,384,473).

With respect to claim 15, Bhattacharyya discloses invention set forth to claim 1, but did not disclose the first crystal orientation is different from the second crystal orientation.

Yoshikawa discloses the first crystal orientation is different from the second crystal orientation (column 1, lines 46-53).

Since Bhattacharyya and Yoshikawa are both from the same field of endeavor improve CMOS technology, the purpose disclosed by Yoshikawa would have been recognized in the pertinent art of Bhattacharyya.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have use Yoshikawa's different orientation in the active region in Bhattacharyya's invention for the purpose of different conductivity types in the first and second surface orientation portions, respectively, makes it possible to maximize the performance of those semiconductor elements of different conductivity types at the same time.

With respect to claim 16, Bhattacharyya discloses at least one layer of a semiconductor device (120, For example Fig. 11) between the lower and upper semiconductor devices (Fig. 11).

With respect to claim 17, Bhattacharyya discloses at least one semiconductor device of the at least one layer of semiconductor device (120, For example Fig. 11) comprises an active region (144,142, For example Fig. 11) having a crystal orientation different from the crystal orientation (110, For example Fig. 11) of at least any one of the lower semiconductor device (bottom half of the device in Fig. 11) and the upper semiconductor device (top half of the device in Fig. 11).

With respect to claim 18, Bhattacharyya discloses the upper semiconductor device (top half of the device in Fig. 11) is bonded to the top of the lower semiconductor device (bottom half of the device in Fig. 11) with an insulating layer (120, For example Fig. 11), and wherein at least a portion of the upper semiconductor device (top half of the device in Fig. 11) is electrically connected to at least a portion of the lower semiconductor device (bottom half of the device in Fig. 11).

With respect to claim 19, Bhattacharyya discloses the lower semiconductor device (bottom half of the device in Fig. 11) include either a pFET device or an nFET device, and the upper semiconductor device (top half of the device in Fig. 11) includes either a PFET device or an nFET device,

Yoshikawa discloses the crystal orientation of the-active region of the respective lower semiconductor device is different from the crystal orientation of the active region of the respective upper semiconductor device (column 1, liens 46-53).

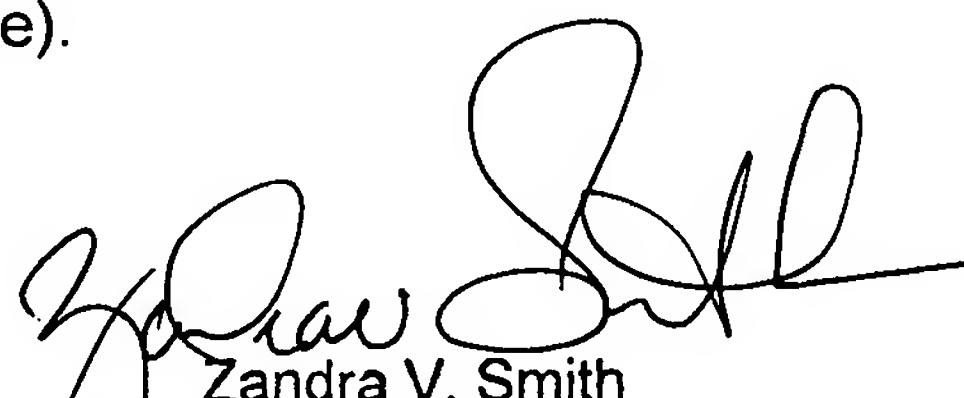
With respect to claim 20, Bhattacharyya discloses the lower and upper semiconductor devices comprise an inverter (fig. 11)

Yoshikawa discloses the PFET device has a crystal orientation of (100) in an active region and the n/ET device has a crystal orientation of (110) in an active region (column4, lines 6-9). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tsz K. Chiu whose telephone number is 517-272-8656. The examiner can normally be reached on 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra V. Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TKC  
February 21, 2006

  
Zandra V. Smith  
Supervisory Patent Examiner  
21 Feb. 2006